


FILED

Rev. 10/2015 Prisoner Complaint

SEP 27 2016

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

United States District Court
Eastern District of North Carolina
Western Division

Case No. _____
(To be filled out by Clerk's Office only)

LORENZO M. PLEDGER

Inmate Number 56850-056

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

UNITED STATES OF AMERICA,

US ATTORNEY GENERAL, LORRETTA LYNCH

CHARLES SAMUEL JR, DIRECTOR OF B.O.P,

J.F.CARAWAY, MID-ATLANTIC DIRECTOR OF B.O.P

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

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I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☐ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☒ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☒ Action under Federal Tort Claims Act (federal defendants)

II. PLAINTIFF INFORMATION

Lorenzo M. Pledger

Name

56850-056 (Lmp)

Prisoner ID #

FCI2, Butner

Place of Detention

P.o. Box 1500

Institutional Address

Butner,

NC

27509

City

State

Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☒ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner

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IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Lorretta Lynch
 Name
U.S. Attorney General.
 Current Job Title
N/a
 Current Work Address
N/a
 City State Zip Code
 Capacity in which being sued: ☐ Individual ☒ Official ☐ Both

Defendant 2: Charles Samuels.Jr
 Name
Director of Federal Bureau of Prisons
 Current Job Title
320 First st., N.W.
 Current Work Address
Washington, DC 20534
 City State Zip Code
 Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

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Defendant(s) Continued

Defendant 3: J.F.Caraway

Name

Regional Director for Mid-Atlantic Region of BOP

Current Job Title

302 Sentinel Dr, Ste 200

Current Work Address

Annapolis, Md 20701

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4: C.Williams

Name

Warden of FCI-Gilmer, FBOP

Current Job Title

201 FCI Lane, P.O. BOX 5000

Current Work Address

Glenville, WV 26351

City

State

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

See attachment 4/10

Defendant 5: United States of America

Address: USA

Capacity in which being sued: Individual or Official *Individual

Defendant 6: Mr.Weaver

Current Job Title: Health Service Administrator FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville, WV.26351

Capacity in which being sued: Individual or official *Both

Defendant 7: Ms.Grove

Current Job Title: Assistant Health Service Administrator FCI- Gilmer

Addres: 201 Fci lane,

P.O. Box5000 Glenville, WV.26351

Capacity in which being sued: Idividual or Official *Both

Defendant 8: E.Anderson

Current Job Title: D.O., Health Service of FCI-Gilmer

Address: 201 Fci Lane,

P.O. Box 5000 Glenville, WV.26351

Capacity in which being sued: Individual or Official *Both

Defendant 9: T.Savidge

Current Job Title: MD/CD, Health Service of FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville, WV.26351

Capacity in which being sued: Individual or Official *Both

See attachment 4/10

Defendant 10: Joshua Hall

Current Job Title: RN/IOP/IDC, Health service FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville WV.26351

Capacity in which being sued: Individual or Official *Both

Defendant 11: Johanna Lehmann

Current Job Title: PA-C, Health Service FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville WV.26351

Capacity in which being sued: Individual or Official *Both

Defendant 12: Mrs.Alicia Wilson

Current Job Title: PA., Health Service FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville WV.26351

Capacity in which being sued: Individual or Official *Both

Defendant 13: Andrea Smith-Posey

Current Job Title: RN, Health Service FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville WV.26351

Capacity in which being sued: Individual or Official *Both

See attachment 4/10

Defendant 14: Ms.Carson

Current Job Title: RN, Health Service FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville WV.26351

Capacity in which being sued: Individual or Official *Both

Defendant 15: Andrea Hall

Current Job Title: RN, Health Service FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville WV.26351

Capacity in which being sued: Individual or Official *Both

Defendant 16: S.Hudnall

Current Job Title: RN, Health Service FCI-Gilmer

Address: 201 Fci lane,

P.O. Box 5000 Glenville WV.26351

Capacity in which being sued: Individual or Official *Both

Defendant 17: Lanasa Salvatore

Current Job Title: MD, St.Joseph's Hospital

Address:Buckhannon, WV.

Capacity in which being sued: Individual or Official *Both

Defendant 18: St.Joesph's Hospital

Address: Buckannon WV.

Capacity in which being sued: Individual or Official *Both

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V. STATEMENT OF CLAIMPlace(s) of occurrence: FCI-Gilmer, In Glenville, WVDate(s) of occurrence: 3/24/15 to 9/25/15

State which of your federal constitutional or federal statutory rights have been violated:

Violation of Petitioners Eighth Amendment Rights as guaranteed by the United States Constitution, that of deliberate indifference to serious medical needs.

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Petitioner was diagnosed with Crohn's in 2004. Starting on or before March 9, 2015, petitioner went to FCI-Gilmer health service with a flare up of his Crohn's, with severe abdominal pain. Since this time petitioner has been seen by health service on the following dates: 3/9/15,

Who
did what to
you?

3/24/15, 4/7/15, 5/19/15, 5/28/15, 6/5/15, 6/16/15, 6/17/15, 6/25/15, 7/20/15, 7/8/15, 7/27/15, 8/14/15, 8/17/15, 8/21/15, 8/22/15, 8/26/15, 8/28/15, 9/8/15,
for server pain caused by his Crohn's. On 3/24/15, Defendant Savidge prescribed Prednisone, on 4/7/15, Defendant continue medication did not recommend any further tests. On or about 5/19/15, Petitioner was sent out of prison to St. Joseph's hospital for a Endoscopy and for Colonoscopy, hospital told petitioner he did not have Crohn's by Defendant Salvatore. petitioner alleges that endoscopy, and colonoscopy was not performed correctly in order for misdiagnosis of no Crohn's. On 6/5/15, again seen by Defendant Savidge, with server abdominal pain, ordered abdominal ultrasound, lab and new medication. On 6/16/15, again seen by defendant Savidge, no action taken. On 6/17/15, Petitioner went to medical opened house with server pain, no action taken. On 6/25/15, seen by defendant Savidge, with server pain, server weight loss, action taken new lab requests. On 7/8/15, petitioner seen by PA Alicia Wilson with abdominal pain

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What
happened
to you?

a knot in right side abdominal, explain medication not helping. On 7/20/15, seen by Defendant Savidge, told don't like iron supplement because makes me feel sick. Told Defendant Savidge, was worried by the continuous pain and sever weight loss, ask about ultarsound. ON 7/27/15, seen by Defendant Lehmann, told symptoms the same and does not take iron supplement becuse it binds up bowels, Defendant notes the "knot" on the right side, sounds like possible hernia- non- palpable on exam.

On 8/14/15, seen by Defendant Lehmann, during exam, finds- palpable & tender firm RIQ mass. Petitioner still has not had a ultrasound or GI consult. On 8/17/15, seen by Defendant Hudnall concerning the knot in stomach that hurts, explained that pain has gotten worse, unable to eat regulerv and loss of about 45 pounds of weight, explained that medication expired and not renewed. On 8/17/15, sent a electronic cop-out to camp Administrator, Defendant Williams, bringing to his attention the deliberate indifference to my serious medical needs and the delayed treatment and/or procedures.

When did it
happen to
you?

On 8/21/15, seen by Defendant J.Hall and E.Aderson, explained pain had gotten worse and worried about something is going to burst open. Defendant E.Anderson, Questioned petitioner about commissary purchases, petitioner explained those purchases were for trading of foods he could eat that did not worsen his pain. On 8/21/15, sent electronic cop-out to Defendant Williams concerning the delay being seen by medical personnel.

On 8/26/15, went to sick call, seen by Defendant Smith-Posey about server, and constant pain, knot in right side, no action taken because waiting on consult. On 8/26/15, sent a electronic cop-out to Defendant williams about deliberat indifference to my serious medical needs. On 8/28/15 per procedures, Petitioner returned to sick call with server pain and knot(s) in stomach, no action taken because already scheduled for follow up.

Where did it
happen to
you?

On 8/29/15, tried to go to Health service but was denied treatment or review by Defendant Carson. On 8/30/15, sent electronic cop-out to Defendant Williams about being denied medical care and deliberate indifference. On 9/1/15, asked Unit officer to call medical to see if they would see petitioner because of extreme pain, defendant Ms. Hall replied back to Unit officer to have petitioner come to sick call, sent an electronic cop-out to Defendant Williams appraising him of this situation. On 9/8/15, petitioner sent to Health service after falling out from "extreme pain". Seen by both Defendants Anderson, and

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What was
your
injury?

Smith-Posey. Petitioner was taken to outside medical facility, specifically Stone wall Jackson Hospital center, while at Stone Wall Jackson, a section of Petitioners colon was removed because of extreme blockage. Staff at Stone Wall Jackson informed petitioner If BOP had waited another month he would have likely died.

Because of the deliberate indifference to my medical needs the defendants unnecessarily placed my life in danger and caused me to needlessly suffer server pain and worry that something was really wrong.

Claim 2: Violation of Petitioners Eighth Amendment Rights as guaranteed by the United States contitution, that of being deprived a basic human needs.

Supporting facts: The facts as written in 1 shows that the defendants by their acts and/or omissions deprived the petitioner of a basic human need, that of medical care. As the petitioner is an inmate within the Federal Bureau of Prison he has a constitutional guarantee of receiving medical care and treatment. The Defendants by their acts, omissions or the lengthy delay of receiving the neccessary medical care and treatment unlawfully placed petitioner at rick of death and caused him to unnecessarily suffer server pain for a prolonged period of time.

Caim 3: Violation of petitioner's 5th, 8th, 11th, & 14th Amendment Rights as gaurnteed by the United States Constitution, specifically forcing and/or allowing petitioner to suffer cruel unusual punishment.

Supporting facts: The facts as written in claim 1 shows that the Defendants by their action(s) and/or omissions allowed the petitioner to needlessly suffer cruel and unusual punishment..When petitioner was sentence, it was not to spend months suffering server and or extreme pain for no penological reason. The petitioner went to health services because his crohn's was flairing up and in server pain, the defendants ignored his pleas for help

The defendants tried to get petitioner to accept a different medication, but ignored his cries when he explained the medication was not helping or making things worse, finally the defendants recommended an ultra sound, but three months later no ultra sound had been done, nor any other diagnostic test performed.

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See attachment 7/10

The petitioner was left in sevrver pain until he finally collapsed and was taken to an outside hospital where the emergency surgery had to be performed to save petitioners life. Two months prior to the emergency a mass and/ or knot was detected in petitioners lower right abdominal, but no test or diagnostic was done.

The defendants intentionally left petitioner in a dangerous situation with a condition that could have ultimately caused petitioner's death. Plaitiff-petitioner will continue to suffer because of defendants acts and omission.

Claims 4: Defendants have committed tort against petitioner by the negligence of federal employees.

Supporting facts: The facts as written in claim 1 shows that federal employees and/or contractors were negligence when they failed to provide constitutional guaranteed medical care . A reasonable prudent person would have concluded that there must be a server medical problem when an inmate continually complains of server pain and then to not follow up on requests for diagnostic testing is negligence, bordering on the criminal.

Federal employees and/or contractors had a duty to provide appropriate and/or necessary medical care. These employees and/or contractors were negligent in their action(s) and/ or inaction(s) and the result that if the petitioner had not collapsed when he did, could have resulted in his death. The United States of America had a duty, by and through its employees and/or contractors to provide adequate and necessary medical care to the petitioner. The defendants breeched that duty when its employees and/or contractors negligently failed to provide to the medical care guaranteed to the petitioner by the laws and constitution of the United States. Because the defendants breeched its duty has caused the petitioner to needlssly suffer from extreme pain and cruel and unusual punishment.

See attachment 7/10

Claims 5: Defendants have committed tort against petitioner by intentional infliction of emotional distress.

Supporting facts: The fact as written in claim 1, shows that the United states of America by and through its employees and/or contractors have caused petitioner to suffer server emotional distress. The defendants caused petitioner so much distress that he was afraid for his life. The lack of action or even care of employees and/or contractors is so shocking that it defies logic.

The petitioners distress was so bad that he told Health service that he would be dead before any test would be done. The defendants action(s) and/or inaction(s) have cause tort against petitioner.

Injury:

The petitioner suffered server extreme pain needlessly, was caused to suffer cruel and unusual punishment and server pain, and/or extreme emotional distress and the loss of section of his colon. The defendants have violated petitioner's constitutional rights and have caused and/or allowed tortuous action(s) against the petitioner.

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VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed?

☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

The Petitioner sues and seeks damages under the Federal Tort claim Act and sues and seeks damages from the Defendants in both their individual and official capacity. The Petitioner sues the Defendants jointly and severly for the followin:

Actual Damages of \$25,000,000.00

Compensatory Damages of \$25,000,000.00

Punative Damages of \$25,000,000.00

Post and Prejudgment interest . Any and all

appropriat attorney fees and/or legal cost or fees. Any and all damages this Honorable court deems appropriate.

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VIII. PRISONER'S LITIGATION HISTORY

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has “on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☐ Yes ☒ No

If yes, how many? _____

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

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IX. PLAINTIFF'S DECLARATION AND WARNING

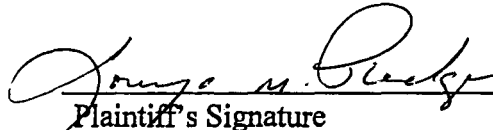
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

5/31/16

Dated


Plaintiff's Signature

Lorenzo M. Pledger

Printed Name

56850-056

Prison Identification #

FCI Butner 2 P.O. Box 1500 Butner, NC 27509

Prison Address

City

State

Zip Code